

S.N.: 10/559,919  
Art Unit: 2617

### **REMARKS**

Claims 1-39 are currently pending. Claims 1 and 10 have been amended for clarification and are supported by page 10, lines 12-21, of the application as filed. Claims 1, 7, 10, 16, 20, 21, and 23-34 have been amended for clarification. New claims 36-39 have been added to enhance the scope of Applicant's patent coverage and are supported by page 10, lines 12-21, of the specification as filed. It is respectfully submitted that no new matter has been added.

#### **Allowance of Claims 20-22 and 31-34**

The Patent Office is thanked for allowing claims 20-22 and 31-34. Applicant believes that all claims are allowable.

#### **Regarding the 35 U.S.C. 112, second paragraph, Rejection of Claims 23-30**

The Patent Office rejected claims 23-30 under 35 U.S.C. 112, second paragraph. The Patent Office indicated that the limitation "the MS" in lines 10, 13, and 16 lacks antecedent basis. As claim 23 has been amended in the fourth line to recite "sending a modified supplemental channel request message from a mobile station" and recitations of "the MS" have been amended to recite "the mobile station," it is respectfully submitted that the rejection of claim 23 on this ground has been overcome.

Claim 23 was also rejected under 35 U.S.C. 112, second paragraph, for unclear language.

The Patent Office considered the following claim language to be unclear:

wherein the method is a method for operating the MS with the BS for transmitting data packets from the mobile station to the base station over the R-SCH, wherein there exist at least four R-SCH states and at least eight transitions between the R-SCH states, where the at least four R-SCH states comprise a R-SCH initialization state, a R-SCH autonomous state, a R-SCH scheduled state, and a R-SCH release state

To overcome the rejection and for clarification, the above noted portion of claim 23 has been amended as follows:

after executing the reverse channel initialization state and when operating the mobile station with the base station, transmitting data packets from the mobile station on the reverse supplement channel, where there are at least four reverse supplemental channel states and at least eight transitions between the reverse supplemental channel states, where the at least four reverse supplement channel states comprise a reverse supplement channel initialization state, a reverse supplemental channel autonomous state, a

S.N.: 10/559,919  
Art Unit: 2617

reverse supplemental channel scheduled state, and a reverse supplemental channel release state.

Applicant respectfully requests that the Patent Office withdraw its rejection of claims 23-30 under 35 U.S.C. 112, second paragraph.

**In Response to the Rejection of Claims 1-19 and 35 under 35 U.S.C. 103(a)**

The Patent Office rejected claims 1-19 and 35 under 35 U.S.C. 103(a) as being unpatentable over Kadaba, U.S. Patent No. 7,158,504, in view of Gopalakrishnan, U.S. Patent No. 6,836,666.

All claims 1-19 and 35 directly or through their base claims recite as follows: “while in the scheduled mode, the mobile station provides data transmission power information and data transmission buffer status information as a request to transmit data and a buffer activity bit as a data rate request bit.”

Kadaba discloses a system where a centralized approach to supplemental channel assignment is done. Kadaba discloses, in column 5, lines 52-57, “The Encoder Packet Format Indicator Channel (R-EP-FICH) contains the format, i.e., a unique specification of the size, duration, and data rate, of the wireless unit’s current transmission. Thus, the format allows the base station to determine the size, duration, and rate of a wireless unit’s data burst transmission without ambiguity.” The mobile station reports information that indicates its data rate (column 5, lines 60-63), but does not disclose a “buffer activity bit as a data rate request bit.” A scheduling method is disclosed in U.S. Patent Application Serial No. 09/851,100, now Gopalakrishnan, U.S. Patent No. 6,836,666.

Gopalakrishnan, in column 4, lines 44-49, discloses a mobile station request for a traffic channel consists of the size of traffic data to be transmitted, information about mobile capabilities related to its power class, some auxiliary information related to the transmission, and quality of service parameters or requirements such as delay or throughput bounds. Gopalakrishnan discloses, in column 4, line 66, through column 5, line 11, the base station may choose to transmit the value of the maximum allowable transmission rate. Claim 1 of Gopalakrishnan discloses that information from which the power available at the first user station for data traffic on the reverse link can be determined to compute both a rate at which the first user station can

S.N.: 10/559,919  
Art Unit: 2617

transmit data and a certain when the first user station can transmit data , the rate and the certain time being computed so as to control the level of interference while maximizing resources on the uplink and transmitting to the first user station information that comprises an indication or when and at what rate it can transmit data. Gopalakrishnan, like Kadaba, does not disclose a “buffer activity bit as a data rate request bit.”

Thus, claims 1-19 and 35 are allowable over Kadaba and Gopalakrishnan.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims 1-19 and 35 under 35 U.S.C. 103(a) based on Kadaba in view of Gopalakrishnan and to allow all of the pending claims 1-39 as now presented for examination. An early notification of the allowability of claims 1-39 is earnestly solicited.



S.N.: 10/559,919  
Art Unit: 2617

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

5/20/2008 Clair F. Main

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